MONTANA LEGISLATIVE HISTORY

Chapter 147 1999

Bill H _____ S 112 Original bill & history ✓ C

H. Committee on Judiciary		S. Committee on Judiciary	
Hearing Date(s)	C	Hearing Date(s)	C
3/4	✓ C	1/7	✓ C
	C		C
	C	1/15	✓ C
Date Out 3/8	C		

Did this bill originate in an interim committee? ____ Yes ____ No

Committee _____ Report _____

LEGISLATIVE HISTORIES

The 1997 Montana Legislature dramatically changed the nature of legislative minutes. This altered format continues with the 1999 legislative minutes. The minutes from House committees are extremely sparse in content, offering no substantive information from which to glean legislative intent. The Senate committees' minutes are fuller in content.

Exhibits, which include written statements, attendent information, roll call votes, roll call attendance, a list of those from the public who were present, and specific action taken on legislative bills, will be available only through the Historical Society Archives, 444-4774, and from a CD-ROM produced by the Legislative Services Division, 444-3064.

Just as in the 1997 legislative session, the 1999 House and Senate committee hearings were recorded. For information on accessing the tapes, or purchasing them, contact the Archives, 444-4774.

If you have concerns over the format of these legislative minutes, it is suggested that you contact your state legislators.

SB 112 Introduced by Franklin *LC0398 Drafter: MacMaster*

Define "Fingerprints" for Purposes of the Criminal Justice Information Act;...

By Request of Department of Justice

12/22	Introduced		
1/04	1st Reading		
1/04	Referred to Judiciary		
1/07	Hearing		
1/15	Committee Executive Action--Bill Passed	6	0
1/16	Committee Report--Bill Passed		
1/19	2nd Reading Passed	48	0
1/20	3rd Reading Passed	50	0
	Transmitted to House		
2/16	Referred to Judiciary		
3/04	Hearing		
3/08	Committee Executive Action--Bill Concurred as Amended	19	1
3/09	Committee Report--Bill Concurred as Amended		
3/12	2nd Reading Concurred	99	0
3/13	3rd Reading Concurred	100	0
	Returned to Senate with Amendments		
3/16	2nd Reading House Amendments Concurred	49	0
3/17	3rd Reading Passed as Amended by House	49	0
3/17	Sent to Enrolling		
3/18	Returned from Enrolling		
3/19	Signed by President		
3/20	Signed by Speaker		
3/22	Transmitted to Governor		
3/23	Signed by Governor		
3/24	Chapter Number Assigned		
	Chapter Number 147		
	Effective Date: 3/23/1999 - All Sections		

SB 113 Introduced by Mahlum *LC0404 Drafter: B. Campbell*

Generally Revise the Laws Governing the Licensing of Dealers and Wholesalers of Motor Vehicles, Recreational Vehicles, Motorcycles, Quadricycles, Trailers, and Special Mobile Equipment by the Department of Justice;...

By Request of Department of Justice

12/22	Introduced		
1/04	1st Reading		
1/04	Referred to Highways and Transportation		
1/26	Hearing		
1/29	Committee Executive Action--Bill Passed as Amended	10	1
1/30	Committee Report--Bill Passed as Amended		
2/01	2nd Reading Passed	42	7
2/02	3rd Reading Passed	43	7
	Transmitted to House		
2/16	Referred to Business and Labor		
3/04	Hearing		
3/11	Committee Executive Action--Bill Concurred as Amended	17	0
3/11	Committee Report--Bill Concurred as Amended		

1 SENATE BILL NO. 112
2 INTRODUCED BY FRANKLIN E
3 BY REQUEST OF THE DEPARTMENT OF JUSTICE
4
5 A BILL FOR AN ACT ENTITLED: "AN ACT DEFINING "FINGERPRINTS" FOR PURPOSES OF THE CRIMINAL
6 JUSTICE INFORMATION ACT; EXPANDING THE GROUP OF PERSONS SUBJECT TO THE DNA TESTING
7 LAW; DEFINING TERMS USED IN THE DNA TESTING LAW; AMENDING SECTIONS 44-5-103, 44-6-101,
8 44-6-102, 44-6-103, 46-18-202, AND 46-23-215, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE
9 DATE AND A RETROACTIVE APPLICABILITY DATE."
10
11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
12
13 **Section 1.** Section 44-5-103, MCA, is amended to read:
14 "**44-5-103. Definitions.** As used in this chapter, the following definitions apply:
15 (1) "Access" means the ability to read, change, copy, use, transfer, or disseminate criminal
16 justice information maintained by criminal justice agencies.
17 (2) "Administration of criminal justice" means the performance of any of the following activities:
18 detection, apprehension, detention, pretrial release, posttrial release, prosecution, adjudication,
19 correctional supervision, or rehabilitation of accused persons or criminal offenders. It includes criminal
20 identification activities and the collection, storage, and dissemination of criminal justice information.
21 (3) "Confidential criminal justice information" means:
22 (a) criminal investigative information;
23 (b) criminal intelligence information;
24 (c) fingerprints and photographs;
25 (d) criminal justice information or records made confidential by law; and
26 (e) any other criminal justice information not clearly defined as public criminal justice information.
27 (4) (a) "Criminal history record information" means information about individuals collected by
28 criminal justice agencies consisting of identifiable descriptions and notations of arrests; detentions; the
29 filing of complaints, indictments, or informations and dispositions arising therefrom; sentences;
30 correctional status; and release. It includes identification information, such as fingerprint records or

1 photographs, unless the information is obtained for purposes other than the administration of criminal
2 justice.
3 (b) Criminal history record information does not include:
4 (i) records of traffic offenses maintained by the department of justice; or
5 (ii) court records.
6 (5) (a) "Criminal intelligence information" means information associated with an identifiable
7 individual, group, organization, or event compiled by a criminal justice agency:
8 (i) in the course of conducting an investigation relating to a major criminal conspiracy, projecting
9 potential criminal operation, or producing an estimate of future major criminal activities; or
10 (ii) in relation to the reliability of information, including information derived from reports of
11 informants or investigators or from any type of surveillance.
12 (b) Criminal intelligence information does not include information relating to political surveillance
13 or criminal investigative information.
14 (6) "Criminal investigative information" means information associated with an individual, group,
15 organization, or event compiled by a criminal justice agency in the course of conducting an investigation
16 of a crime or crimes. It includes information about a crime or crimes derived from reports of informants
17 or investigators or from any type of surveillance. It does not include criminal intelligence information.
18 (7) "Criminal justice agency" means:
19 (a) any court with criminal jurisdiction;
20 (b) any federal, state, or local government agency designated by statute or by a governor's
21 executive order to perform as its principal function the administration of criminal justice;
22 (c) any local government agency not included under subsection (7)(b) that performs as its principal
23 function the administration of criminal justice pursuant to an ordinance or local executive order; or
24 (d) any agency of a foreign nation that has been designated by that nation's law or chief
25 executive officer to perform as its principal function the administration of criminal justice and that has
26 been approved for the receipt of criminal justice information by the Montana attorney general, who may
27 consult with the United States department of justice.
28 (8) "Criminal justice information" means information relating to criminal justice collected,
29 processed, or preserved by a criminal justice agency. It does not include the administrative records of a
30 criminal justice agency.

1 (9) "Criminal justice information system" means a system, automated or manual, operated by
2 foreign, federal, regional, state, or local governments or governmental organizations for collecting,
3 processing, preserving, or disseminating criminal justice information. It includes equipment, facilities,
4 procedures, and agreements.
5 (10) (a) "Disposition" means information disclosing that criminal proceedings against an individual
6 have terminated and describing the nature of the termination or information relating to sentencing,
7 correctional supervision, release from correctional supervision, the outcome of appellate or collateral
8 review of criminal proceedings, or executive clemency. Criminal proceedings have terminated if a decision
9 has been made not to bring charges or criminal proceedings have been concluded, abandoned, or
10 indefinitely postponed.
11 (b) Particular dispositions include but are not limited to:
12 (i) conviction at trial or on a plea of guilty;
13 (ii) acquittal;
14 (iii) acquittal by reason of mental disease or defect;
15 (iv) acquittal by reason of mental incompetence;
16 (v) the sentence imposed, including all conditions attached to the sentence by the sentencing
17 judge;
18 (vi) deferred imposition of sentence with any conditions of deferral;
19 (vii) nolle prosequi;
20 (viii) a nolo contendere plea;
21 (ix) deferred prosecution or diversion;
22 (x) bond forfeiture;
23 (xi) death;
24 (xii) release as a result of a successful collateral attack;
25 (xiii) dismissal of criminal proceedings by the court with or without the commencement of a civil
26 action for determination of mental incompetence or mental illness;
27 (xiv) a finding of civil incompetence or mental illness;
28 (xv) exercise of executive clemency;
29 (xvi) correctional placement on probation or parole or release; or
30 (xvii) revocation of probation or parole.

(c) A single arrest of an individual may result in more than one disposition.

(11) "Dissemination" means the communication or transfer of criminal justice information to individuals or agencies other than the criminal justice agency that maintains the information. It includes confirmation of the existence or nonexistence of criminal justice information.

(12) "Fingerprints" means the recorded friction ridge skin of the fingers, palms, or soles of the feet.

~~(12)~~(13) "Public criminal justice information" means ~~information~~:

(a) information made public by law;

(b) information of court records and proceedings;

(c) information of convictions, deferred sentences, and deferred prosecutions;

(d) information of postconviction proceedings and status;

(e) information originated by a criminal justice agency, including:

(i) initial offense reports;

(ii) initial arrest records;

(iii) bail records; and

(iv) daily jail occupancy rosters;

(f) information considered necessary by a criminal justice agency to secure public assistance in the apprehension of a suspect; or

(g) statistical information.

~~(13)~~(14) "State repository" means the recordkeeping systems maintained by the department of justice pursuant to 44-2-201 in which criminal history record information is collected, processed, preserved, and disseminated.

~~(14)~~(15) "Statistical information" means data derived from records in which individuals are not identified or identification is deleted and from which neither individual identity nor any other unique characteristic that could identify an individual is ascertainable."

Section 2. Section 44-6-101, MCA, is amended to read:

"**44-6-101. Definitions.** As used in this part, the following definitions apply:

(1) "Biological sample" means cheek cells removed by using a buccal swab of a type authorized by the department or a vial or other container of blood.

~~(1)~~(2) "Department" means the department of justice provided for in 2-15-2001.

~~(2)~~(3) "DNA" means deoxyribonucleic acid.

~~(3)~~(4) "DNA identification index" means the DNA identification record system established under 44-6-102.

~~(4)~~(5) "DNA record" means DNA identification information stored in the DNA identification index for purposes of establishing identification in connection with law enforcement investigations or supporting statistical interpretation of the results of DNA analysis. The DNA record is considered the objective form of the results of a DNA analysis, such as the numerical representation of DNA fragment lengths, autoradiographs and the digital image of autoradiographs, and discrete allele assignment numbers.

~~(5)~~(6) "DNA testing" means DNA analysis of materials derived from the human body for the purposes of identification consistent with this part.

~~(6)~~(7) "Forensic DNA laboratory" means any laboratory operated by state government that performs DNA analysis on materials derived from the human body for use as evidence in a criminal proceeding or for purposes of identification.

~~(7)~~(8) "Marker" means a method of describing individuals by genetic profile, such as blood or DNA type, and has the specific meaning given to the word by department rule, which must take into account the meaning generally given to the word for forensic typing by DNA technologists.

~~(8)~~(9) "Sexual offense" means the offenses contained in the definition of that term in 46-23-502.

~~(9)~~(10) "Violent offense" has the meaning contained in 46-23-502."

Section 3. Section 44-6-102, MCA, is amended to read:

"**44-6-102. Establishment of DNA identification index.** (1) The department shall establish a computerized DNA identification index for the receipt, storage, and exchange of DNA records. The DNA identification index is the central repository for DNA records in the state of Montana.

(2) The DNA identification index must include:

(a) DNA records for an individual convicted of, or a youth found under 41-5-1502 to have committed, a sexual offense or violent offense; ~~and~~

(b) DNA records for a person upon order of a sentencing judge under 46-18-202; and

~~(b)~~(c) analyses of DNA samples recovered from crime scenes, medical examinations, and unidentified human remains. For purposes of identification of missing persons, the DNA identification index

may include DNA records of close biological relatives of a missing person.

(3) The DNA identification index and the DNA testing done by a forensic DNA laboratory must be compatible with the systems of DNA identification used by other criminal justice agencies or private testing laboratories to the extent necessary to permit the exchange of DNA information.

(4) The DNA records collected and stored in the DNA identification index may contain only information relating to the identification of individuals. Information that identifies a person that is the subject of a record must be limited to the information that is necessary to pursue criminal investigations and to support statistical interpretation of results.

(5) The DNA identification index may be used:

(a) by law enforcement agencies for purposes of identification in the course of criminal investigations and proceedings;

(b) to assist in the identification of human remains, including identification of missing persons; and

(c) if information allowing a person to be identified is removed, for a population statistics database and for identification, research, and protocol development for forensic DNA analysis and quality control."

Section 4. Section 44-6-103, MCA, is amended to read:

"**44-6-103. Collection of samples and maintenance of data.** (1) Following entry of judgment, a person convicted of a sexual offense or violent offense, ~~or~~ a youth found under 41-5-1502 to have committed a sexual offense or violent offense, or a defendant ordered under 46-18-202 to provide a biological sample for DNA testing shall provide ~~to a person or entity designated by the county attorney~~ a biological sample ~~of blood~~ for DNA analysis to determine identification characteristics specific to the person. The sample must be provided to the department of corrections if the person is incarcerated in a facility administered by the department of corrections. If the person is not incarcerated in a facility administered by the department of corrections, the sample must be provided to a person or entity designated by the county attorney.

(2) The ~~blood~~ biological sample must be collected, stored, and sent by the department of corrections or the person or entity designated by the county attorney under subsection (1) to the department for entry in the DNA identification index in accordance with rules adopted by the department

with the advice of the department of public health and human services.

(3) The forensic DNA laboratory may perform DNA analysis only for those markers that have value for law enforcement identification purposes.

(4) The knowing refusal or failure to provide a biological sample under this part is grounds for revocation of a suspended or deferred imposition of sentence."

Section 5. Section 46-18-202, MCA, is amended to read:

"**46-18-202. Additional restrictions on sentence.** (1) The court may also impose any of the following restrictions or conditions on the sentence provided for in 46-18-201 that it considers necessary to obtain the objectives of rehabilitation and the protection of the victim and society:

(a) prohibition of the defendant's holding public office;

(b) prohibition of the defendant's owning or carrying a dangerous weapon;

(c) restrictions on the defendant's freedom of association;

(d) restrictions on the defendant's freedom of movement;

(e) a requirement that the defendant provide a biological sample for DNA testing for purposes of Title 44, chapter 6, part 1, if the court finds that the facts underlying the offense involve conduct that would constitute a sexual offense or violent offense as defined in 46-23-502;

~~(e)~~(f) any other limitation reasonably related to the objectives of rehabilitation and the protection of the victim and society.

(2) Whenever the district court imposes a sentence of imprisonment in the state prison for a term exceeding 1 year, the court may also impose the restriction that the defendant is ineligible for parole and participation in the supervised release program while serving that term. If the restriction is to be imposed, the court shall state the reasons for it in writing. If the court finds that the restriction is necessary for the protection of society, it shall impose the restriction as part of the sentence and the judgment must contain a statement of the reasons for the restriction.

(3) When the court imposes a sentence of probation, as defined in 46-23-1001, any probation agreement signed by the defendant may contain a clause waiving extradition.

(4) Whenever the district court imposes a sentence of imprisonment in the state prison for a violation of 45-5-502(3), 45-5-503, 45-5-504(2)(c), 45-5-507 (unless the act occurred between two consenting persons 16 years of age or older), or 45-5-625, the court may also impose the restriction that

1 the defendant be ineligible for a good time allowance while serving that term. If such a restriction is to
2 be imposed, the court shall state the reasons for it in writing. If the court finds that the restriction is
3 necessary for the protection of society, it shall impose the restriction as part of the sentence and the
4 judgment must contain a statement of the reasons for the restriction."
5
6 **Section 6.** Section 46-23-215, MCA, is amended to read:
7 "**46-23-215. Conditions of parole.** (1) A prisoner while on parole remains in the legal custody of
8 the correctional facility from which the prisoner was released but is subject to the orders of the board.
9 (2) When an order for parole is issued, it must recite the conditions of parole. If restitution was
10 imposed as part of the sentence under 46-18-201, the order of parole must contain a condition to pay
11 restitution to the victim. The prisoner may not be paroled until the prisoner provides a biological sample
12 for purposes of Title 44, chapter 6, part 1, if the prisoner has not already done so under 44-6-103 and
13 if the prisoner was convicted of, or was found under 41-5-1502 to have committed, a sexual offense or
14 violent offense as defined in 46-23-502. An order for parole or any parole agreement signed by a prisoner
15 may contain a clause waiving extradition.
16 (3) Whenever a prisoner in the Montana state prison or the Montana women's prison has been
17 approved for parole on condition that the prisoner obtain employment or secure suitable living
18 arrangements or on any other condition that is difficult to fulfill while incarcerated, the warden may grant
19 the prisoner a furlough, not to exceed 10 days, for purposes of fulfilling the condition. While on furlough,
20 the prisoner remains in the legal custody of the prison and is subject to all other conditions recited by the
21 board."
22
23 NEW SECTION. **Section 7. Retroactive applicability.** [Section 6] applies retroactively, within the
24 meaning of 1-2-109, to persons sentenced or in the custody or under the supervision of the department
25 of corrections on or after March 27, 1995, the effective date of the original DNA testing and identification
26 law.
27
28 NEW SECTION. **Section 8. Effective date.** [This act] is effective on passage and approval.
29 - END -

MINUTES

MONTANA SENATE
56th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: By **CHAIRMAN LORENTS GROSFIELD**, on January 7, 1999 at 9:00 A.M., in Room 325 Capitol.

ROLL CALL

Members Present:

Sen. Lorents Grosfield, Chairman (R)
Sen. Al Bishop, Vice Chairman (R)
Sen. Sue Bartlett (D)
Sen. Steve Doherty (D)
Sen. Duane Grimes (R)
Sen. Mike Halligan (D)
Sen. Ric Holden (R)
Sen. Reiny Jabs (R)
Sen. Walter McNutt (R)

Members Excused: None.

Members Absent: None.

Staff Present: Jodi Pauley, Committee Secretary
Valencia Lane, Legislative Services Division

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: SB 63, 1/7/1999; SB 32, 1/7/1999; SB 112, 1/7/1999
Executive Action: SB 32

HEARING ON SB 63

Sponsor: **SEN. LINDA NELSON, SD 49, Medicine Lake**

Proponents:

Cathy Kendall, Board of Crime Control
Beth Baker, Department of Justice

HEARING ON SB 32

Sponsor: **SENATOR DUANE GRIMES, SD 20, Clancy**

Proponents:

Jo Acton, Montana Women's Prison
Diana Leibinger-Koch, Department of Corrections
Tim Shank, Montana Police Protection Assoc.
Kate Cholena, Montana Women's Lobby

Opponents: None

Opening Statements By the Sponsor:

SENATOR DUANE GRIMES, SD 20, Clancy, presented **SB 32**. It prohibits employees who have disciplinary authority over incarcerated inmates from having sexual contact with them. This will help with security and the human rights issue that is involved.

Proponents Testimony:

Jo Acton, Montana Women's Prison, spoke in support of **SB 32**. **EXHIBIT(2)**

Diana Leibinger-Koch, Department of Corrections, rose in support of **SB 32**. **EXHIBIT(3)**

{Tape : 1; Side : A; Approx. Time Counter : 9:32 a.m.}

Tim Shank, Montana Police Protection Assoc. said his association supports **SB 32**.

Kate Cholena, Montana Women's Lobby, said they also support this bill.

Opponents Testimony: None

Questions from Committee Members and Responses: None

Closing by Sponsor:

SEN. GRIMES closed on **SB 32**.

HEARING ON SB 112

Sponsor: **SENATOR EVE FRANKLIN, SD 21, Great Falls**

Proponents:

Bill Unger, Department of Justice
Jim Smith, MT Sheriff and Peace Officers Assoc.
Tim Shank, Montana Police Protection Assoc.

Opponents: None

Opening Statements By the Sponsor:

SENATOR EVE FRANKLIN, SD 21, Great Falls, presented **SB 112.** Currently, there is a DNA registry of sexual offenders and the Department of Justice would like to be able to make DNA testing more easily accomplished through a buccal swab as opposed to a blood drawing. The buccal swab is less intrusive and doesn't involve blood drawing. The Department of Corrections will collect this evidence and be responsible for the information. It also allows for the genetic evidence gathered on all sexual and violent offenders who are adjudicated. It gives judges discretion to request that DNA be gathered when the individual is not actually convicted of a felony. The bill also redefines fingerprinting.

Proponents Testimony:

Bill Unger, Department of Justice, spoke in favor of SB 112. **EXHIBIT(4)**

Jim Smith, MT Sheriff and Peace Officers Assoc., said this bill is at the heart of criminal investigative work and is needed by law enforcement. He believes Montana was the first state in the country in which a homicide conviction was obtained based upon a DNA sample.

Tim Shank, Montana Police Protection Assoc., said without DNA testing a lot of homicides and crimes could go unsolved. This benefits law enforcement and with crimes increasing this type of technology will help solve more crimes.

{Tape : 1; Side : B; Approx. Time Counter : 9:46 a.m.}

Opponents Testimony: None

Questions from Committee Members and Responses:

SENATOR DOHERTY said section 7 has a retroactive applicability and is this a concern constitutionally. **Bill Unger** said the people that this retroactivity applies to are already under law

to provide a DNA sample. The reason for the retroactivity is it is costly for some agencies to draw blood, and to do a buccal swab is easier and safer.

SENATOR DOHERTY said this would only apply to those who already have to supply DNA and this is an alternative for agencies to collect the DNA. **Bill Unger** said this was correct.

SENATOR BARTLETT asked if there are offenders convicted of sexual offenses whose sentences require them to go through the sexual offender treatment program who refuse to do that or cannot successfully complete the program? **Mike Mahoney, Montana State Prison,** said yes, there are some offenders who have a difficult time completing treatment programs.

SENATOR BARTLETT asked if there are offenders in the prison who refuse to apply for parole no matter what their crime is and once they are discharged there is no supervision. **Mr. Mahoney** said yes there are some inmates who do not apply for parole and do not choose to participate in any type of program. If inmates are discharged, the prison still has to report back to district court and say what category a sex offender may be in. If he is identified as a level three offender then they can go through the courts and report that person to the community.

SENATOR BARTLETT asked if there may be some prisoners who choose to discharge their sentences in order to not give a DNA sample. **Steve Bullock, Department of Justice,** said right now they only have half of the offenders that should be registered. There was some thought that they may be able to make it a misdemeanor crime if they refused to give a DNA sample.

SENATOR BARTLETT asked if someone who discharges their sentence would not have to give a DNA sample? **Mr. Bullock** said that is correct.

{Tape : 1; Side : B; Approx. Time Counter : 9:55 a.m.}

CHAIRMAN GROSFIELD asked who this applies to and when and does this deal with sexual crimes or does it deal with all crimes? **Mr. Bullock** said it is sexual and violent crimes as defined in the registry.

CHAIRMAN GROSFIELD asked when are the samples taken. **Mr. Bullock** said normally it is done right after the conviction.

CHAIRMAN GROSFIELD asked if it is voluntary or does the prisoner have no choice. **Mr. Bullock** said it is a requirement by law that they give the sample. The difficulty is if someone refuses to

give the sample then it is no more voluntary than one giving their fingerprints.

CHAIRMAN GROSFIELD asked if they are trying to collect the sample and they are in the vicinity of the offenders face and eyes is there a liability problem. **Mr. Bullock** said the swab is a Q-tip and it could be a liability issue, but it is not as likely as it would be if the agency was drawing blood.

CHAIRMAN GROSFIELD asked if in some cases it may be done forcefully. **Bill Unger** said this issue has not been addressed and if it has to be done forcefully it is usually not collected. A court order could take place in order to make the person give the sample to avoid this problem. Some people will go to the end of their sentence and are not in the database. And sex offenders are likely to re-offend. They are hoping fewer will refuse with the buccal swab rather than the blood draw.

SENATOR BARTLETT asked if the retroactive applicability is correct in referring to section 6 and do we need an amendment here. **Steve Bullock** said why the retroactive applicability is in place is that currently there is only about 50 percent who are in the registry. It is not necessarily for the buccal swabs that the retroactive applicability applies to because from 1995 there are still some individuals whom they have not gotten samples from yet.

SENATOR BARTLETT asked if the methodology is irrelevant to the intent of the retroactive applicability section. **Mr. Bullock** said this was correct.

SENATOR BARTLETT said the intent of that section is to make it a condition of parole for prisoners who otherwise would not have this a condition of their parole. Are prisoners who have not given a sample required to and why? **Mr. Bullock** said if an offender is convicted of a sexual or violent offense as defined in the registry and the county attorney at the time of conviction did not get a blood sample, then it should be collected immediately when they arrive to state prison or upon conviction.

SENATOR BARTLETT asked if the statutes which establish the DNA registry made it a requirement that anyone convicted of a sexual offense was to give a sample and to be incorporated into the registry. Are there instances where from the retroactive date to present that some where required to give a sample and refused. **Mr. Bullock** said it is less refusal than it is slipping through the cracks.

{Tape : 1; Side : B; Approx. Time Counter : 10:05 a.m.}

SENATOR BARTLETT said it is because of the establishment of the registry that anyone convicted has to give a sample. **Mr. Bullock** said that is correct. In order to collect this sample, law enforcement could always get a body search like they do to get fingerprints

Closing by Sponsor:

SENATOR FRANKLIN said the swab is a Q-tip and this would help the liability issue. This bill will strengthen in terms of technology and help in criminal investigation. The question is how do they force someone to give a body part sample, and this is an issue that needs to be worked on, but might not be able to be addressed in this bill. The Department of Corrections will absorb this into their budget and there will be no fiscal impact.

EXECUTIVE ACTION ON SB 32

Motion: **SEN. DOHERTY** moved **SB 32 DO PASS.**

Discussion:

SENATOR BARTLETT said they continue to criminalize additional types of behavior and establish sentences for those crimes and sentencing statutes are hard to understand and apply. Prisons get more and more crowded and society has to deal with it.

CHAIRMAN GROSFIELD said they are dealing with someone who is already in the system and there could be a fiscal impact if additional sentencing is required. Every time they make a crime it costs money.

SENATOR HALLIGAN asked if there are counselors at the Montana State Prison that do not have disciplinary authority. There could also be persons coming in from the outside such as psychiatrists etc. that may not be covered under this bill. **SENATOR GRIMES** said he would work on this.

Vote: Motion carried unanimously.

SENATE JUDICIARY COMMITTEE
EXHIBIT NO. 4
DATE 1/7/99
BILL NO. SB 112

DEPARTMENT OF JUSTICE

SB112: Amendments to Offender Identification Laws

Background

The Forensic Science Division began conducting DNA analysis of evidence in 1998, after constructing and receiving national certification for a DNA laboratory authorized by the 1995 Legislature. The Lab analyzes evidence from crime scenes, crime victims and crime suspects.

DNA is the genetic material unique to each individual; analysis of DNA evidence can be used to match people to a crime scene or a crime, as well as to clear suspects.

The past year of experience in obtaining and analyzing DNA evidence has shown the need for some changes to Montana laws governing the collection of DNA samples

SB112 Changes

Senate Bill 112 would make the following changes to existing law:

- Revise the requirement for a blood sample from a person convicted of a violent or sexual crime. Convicted violent and sexual offenders must, under law, provide a blood sample for inclusion in the Lab's database. Medical personnel must draw the blood sample – a requirement that often forces local law enforcement agencies to make costly and difficult arrangements. Improved technology allows DNA profiling to be done from a sample of cheek cells that can be taken by an oral swab without medical personnel present. The technique is known as sampling with a "buccal swab." The amendment would allow a local agency to submit either a blood sample or a buccal swab.

- Make the Department of Corrections, rather than the county attorney, responsible for collection of a DNA sample from convicted violent or sexual offenders, if the offenders are incarcerated in a facility administered by the Department. To date, collection of samples has been sporadic because an offender often is transferred to a state prison facility shortly after conviction. County attorneys would remain responsible for collecting samples from individuals who are not at a state-run facility.

–over–

- Allow for collection of a DNA sample in some cases involving plea agreements. Because prosecutors often enter into agreements that allow an offender to plead guilty to a reduced offense, some sex offenders have not been required to provide DNA samples for the state's database of sexual and violent offenders. SB112 would allow a district court judge to require a DNA biological sample be provided if the original offense with which a person is charged meets the criteria of the database law, even if a plea agreement results in a lesser charge. The judge may choose, but is not required, to have the offender provide a sample.

- Make refusal to provide a sample a basis for denying parole or grounds for revocation of a deferred or suspended sentence. The success of the database of offenders depends on including all offenders who meet the criteria for the program. Sexual offenders have a high likelihood of committing repeat offenses. A comprehensive database would help law enforcement officials solve sex-related crimes. SB112 would allow the Board of Pardons and Parole to deny parole to an inmate who refuses to provide a biological sample. In addition, SB 112 would allow judges to revoke a suspended or deferred sentence if an offender refuses to provide a sample.

Senate Bill 112 also would address changes in technology involving fingerprint identification by expanding the definition of fingerprint. Positive identification of a crime suspect can now be made by impressions left by fingers, palms and the soles of feet, and the amendment would clearly define "fingerprint" to include prints from the palms of hands and soles of feet. One-third of the of the prints the Crime Lab receives are palm prints.

SENATE JUDICIARY COMMITTEE
EXHIBIT NO. 4
DATE 1/7/99
BILL NO. SB 112

DEPARTMENT OF JUSTICE

SB112: Amendments to Offender Identification Laws

Background

The Forensic Science Division began conducting DNA analysis of evidence in 1998, after constructing and receiving national certification for a DNA laboratory authorized by the 1995 Legislature. The Lab analyzes evidence from crime scenes, crime victims and crime suspects.

DNA is the genetic material unique to each individual; analysis of DNA evidence can be used to match people to a crime scene or a crime, as well as to clear suspects.

The past year of experience in obtaining and analyzing DNA evidence has shown the need for some changes to Montana laws governing the collection of DNA samples

SB112 Changes

Senate Bill 112 would make the following changes to existing law:

- Revise the requirement for a blood sample from a person convicted of a violent or sexual crime. Convicted violent and sexual offenders must, under law, provide a blood sample for inclusion in the Lab's database. Medical personnel must draw the blood sample – a requirement that often forces local law enforcement agencies to make costly and difficult arrangements. Improved technology allows DNA profiling to be done from a sample of cheek cells that can be taken by an oral swab without medical personnel present. The technique is known as sampling with a "buccal swab." The amendment would allow a local agency to submit either a blood sample or a buccal swab.

- Make the Department of Corrections, rather than the county attorney, responsible for collection of a DNA sample from convicted violent or sexual offenders, if the offenders are incarcerated in a facility administered by the Department. To date, collection of samples has been sporadic because an offender often is transferred to a state prison facility shortly after conviction. County attorneys would remain responsible for collecting samples from individuals who are not at a state-run facility.

–over–

- Allow for collection of a DNA sample in some cases involving plea agreements. Because prosecutors often enter into agreements that allow an offender to plead guilty to a reduced offense, some sex offenders have not been required to provide DNA samples for the state's database of sexual and violent offenders. SB112 would allow a district court judge to require a DNA biological sample be provided if the original offense with which a person is charged meets the criteria of the database law, even if a plea agreement results in a lesser charge. The judge may choose, but is not required, to have the offender provide a sample.

- Make refusal to provide a sample a basis for denying parole or grounds for revocation of a deferred or suspended sentence. The success of the database of offenders depends on including all offenders who meet the criteria for the program. Sexual offenders have a high likelihood of committing repeat offenses. A comprehensive database would help law enforcement officials solve sex-related crimes. SB112 would allow the Board of Pardons and Parole to deny parole to an inmate who refuses to provide a biological sample. In addition, SB 112 would allow judges to revoke a suspended or deferred sentence if an offender refuses to provide a sample.

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MONTANA SENATE
1999 LEGISLATURE
JUDICIARY COMMITTEE
ROLL CALL

DATE 1/7/99

NAME	PRESENT	ABSENT	EXCUSED
SEN. SUE BARTLETT	X		
SEN. STEVE DOHERTY	X		
SEN. DUANE GRIMES	X		
SEN. MIKE HALLIGAN	X		
SEN. RIC HOLDEN	X		
SEN. REINY JABS	X		
SEN. WALT MC NUTT	X		
SEN. AL BISHOP,VICE CHAIRMAN	X		
SEN. LORENTS GROSFIELD, CHAIRMAN	X		

DATE 1-7-99

SENATE COMMITTEE ON Judiciary

BILLS BEING HEARD TODAY: S.B. 32-63-112

< ■ > PLEASE PRINT < ■ >

Name	Representing	Bill No.	Check One: Support	Check One: Oppose
DIANA LEIBINGER-KOCH	DEPT. OF CORRECT'NS	SB32	✓	
Jo Acton	Mont. Women's Prison	SB32		
Bill Lucas	DEPT. JUSTICE	SB112	✓	
Cathy Kendall	Board of Crime Control	SB63		
Steve Bullock	Dept of Justice	SB112	—	
Beth Baker	Justice	SB63	✓	
Sami Butler RN	MNA	32		
Tim Shanks	MT Police Prot Assn	SB112	—	
Kate Cholewa	MT Women's Lobby	SB32	✓	
Tim Shanks	MPPA	SB32	—	
Tim Shanks	MPPA	SB63	—	
Mike Mahoney	Montana State Prison	SB32 SB112		

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

REGISTER.F10

Mr. Smith clarified that state and federal government travel maps include designated snowmobile areas. This opens up the areas that are not designated and would not be covered by this section. Subsection (3) address risks inherent. The Forest Service has a policy that if there is an identified hazard on the trail that they had designated, they would post a warning or take care of it. In the case that prompted this legislation, the hazard was identified the day before as a severe dip. It was looked at in the evening and the decision was to take care of it in the morning. The next morning it was determined to be dangerous but the decision was to fill in the dip instead of putting up a sign. A sign was not put up, it was not filled in and later in the day an individual was severely injured.

Motion: **SEN. HOLDEN MOVED SB 87 DO PASS AS AMENDED.**

SEN. BARTLETT believed that most of the state was open to the operation of snowmobiles unless it was specifically not opened to snowmobiles. Open areas would not be cared for on a regular basis. She questioned the liability of the snowmobile operator and the snowmobile area operator.

Maggie Whitman, Legislative Affairs Coordinator for the Forest Service, agreed to provide information for the committee.

Mr. Hoovestal stated that this legislation addresses the trail systems and designated areas that are under the control and maintenance of an entity. Snowmobiling in open areas would be the same as hunting, skiing, hiking, horseback riding, etc. This legislation does not address persons off on their own. This would involve the general liability of the situation.

SEN. BARTLETT maintained that this bill was proposed to limit the areas in which there is some liability for snowmobile area operators. She is not confident that this has been accomplished.

Vote: **The motion carried unanimously.**

EXECUTIVE ACTION ON SB 112

Motion: **SEN. HALLIGAN MOVED SB 112 DO PASS.**

Discussion:

SEN. BARTLETT maintained that her understanding is that this bill would begin to require that for parole purposes any of these offenders would already be under a legal obligation to have provided the sample.

Vote: **The motion carried unanimously.**

MONTANA SENATE
1999 LEGISLATURE
JUDICIARY COMMITTEE
ROLL CALL

DATE 1-15-99

NAME	PRESENT	ABSENT	EXCUSED
SEN. SUE BARTLETT	✓		
SEN. STEVE DOHERTY	✓		
SEN. DUANE GRIMES			✓
SEN. MIKE HALLIGAN	✓		
SEN. RIC HOLDEN	✓		
SEN. REINY JABS	✓		
SEN. WALT MC NUTT	✓		
SEN. AL BISHOP,VICE CHAIRMAN	✓		
SEN. LORENTS GROSFIELD, CHAIRMAN	✓		

SENATE STANDING COMMITTEE REPORT

January 15, 1999

Mr. President:

We, your committee on **Judiciary** report that **Senate Bill 112** (first reading copy -- white) **do pass.**

Signed: _____
Senator Lorents Grosfield, Chair

- END -

Committee Vote:
Yes 6, No 0.

111234SC.srf

MINUTES

MONTANA HOUSE OF REPRESENTATIVES
56th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: By **CHAIRMAN ROBERT C. CLARK**, on March 4, 1999 at 8:00 A.M., in Room 312 - 1 Capitol.

ROLL CALL

Members Present:

Rep. Robert C. Clark, Chairman (R)
Rep. Dan McGee, Vice Chairman (R)
Rep. Diana Wyatt, Vice Chairman (D)
Rep. Chris Ahner (R)
Rep. Shiell Anderson (R)
Rep. Paul Clark (D)
Rep. Aubyn A. Curtiss (R)
Rep. Bill Eggers (D)
Rep. Tom Facey (D)
Rep. Steven Gallus (D)
Rep. Gail Gutsche (D)
Rep. Joan Hurdle (D)
Rep. Rick Jore (R)
Rep. Sam Kitzenberg (R)
Rep. Brad Molnar (R)
Rep. Mark Noennig (R)
Rep. Jim Shockley (R)
Rep. Loren Soft (R)
Rep. Carol Williams (D)
Rep. Cindy Younkin (R)

Members Excused: None.

Members Absent: None.

Staff Present: John MacMaster, Legislative Branch
Pam Schindler, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:
Hearing(s) & Date(s) Posted: SB 87, SB 60, SB 112, SB 158, 3/1/1999

Proponents:

Ed McLean, District Court Judge, Missoula
{Tape : 1; Side : B; Approx. Time Counter : 218 - 291}
Al Smith, Montana Trial Lawyers Association
{Tape : 1; Side : B; Approx. Time Counter : 291 - 317}

Opponents:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

{Tape : 1; Side : B; Approx. Time Counter : 317 - 550}
{Tape : 2; Side : A; Approx. Time Counter : 0 - 155}

Closing by Sponsor:

Senator Halligan made closing statements.
{Tape : 2; Side : A; Approx. Time Counter : 155 - 190}

HEARING ON SB 112

Sponsor:

Senator E. Franklin presented SB 112.
{Tape : 2; Side : A; Approx. Time Counter : 190 - 247}

Proponents:

Bill Unger, State Crime Lab
{Tape : 2; Side : A; Approx. Time Counter : 247 - 343}
EXHIBIT(2)

Opponents:

None

Informational Testimony:

None
Questions from Committee Members and Responses:

{Tape : 2; Side : A; Approx. Time Counter : 343 - 467}

Closing by Sponsor:

Senator E. Franklin made closing statements.
{Tape : 2; Side : A; Approx. Time Counter : 467 - 484}

HEARING ON SB 158

Sponsor:

Senator Glaser presented SB 158.
{Tape : 3; Side : A; Approx. Time Counter : 0 - 27}

Proponents:

Harold Hansen, State DUI Task Force
{Tape : 3; Side : A; Approx. Time Counter : 27 - 204}

Opponents:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

{Tape : 3; Side : A; Approx. Time Counter : 204 - 550}
{Tape : 3; Side : B; Approx. Time Counter : 0 - 550}
{Tape : 4; Side : A; Approx. Time Counter : 0 - 262}

Closing by Sponsor:

Senator Glaser made closing statements.
{Tape : 4; Side : A; Approx. Time Counter : 262 - 294}

Meeting adjourned.

EXHIBIT 2
DATE 3/4/99
SB 112

DEPARTMENT OF JUSTICE
SB112: Amendments to Offender Identification Laws

Background

The Forensic Science Division began conducting DNA analysis of evidence in 1998, after constructing and receiving national certification for a DNA laboratory authorized by the 1995 Legislature. The Lab analyzes evidence from crime scenes, crime victims and crime suspects.

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SB112 Changes

Senate Bill 112 would make the following changes to existing law:

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- Make the Department of Corrections, rather than the county attorney, responsible for collection of a DNA sample from convicted violent or sexual offenders, if the offenders are incarcerated in a facility administered by the Department. To date, collection of samples has been sporadic because an offender often is transferred to a state prison facility shortly after conviction. County attorneys would remain responsible for collecting samples from individuals who are not at a state-run facility.

–over–

- Allow for collection of a DNA sample in some cases involving plea agreements. Because prosecutors often enter into agreements that allow an offender to plead guilty to a reduced offense, some sex offenders have not been required to provide DNA samples for the state's database of sexual and violent offenders. SB112 would allow a district court judge to require a DNA biological sample be provided if the original offense with which a person is charged meets the criteria of the database law, even if a plea agreement results in a lesser charge. The judge may choose, but is not required, to have the offender provide a sample.

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HOUSE OF REPRESENTATIVE
ROLL CALL

JUDICIARY COMMITTEE

DATE 3/4/99

NAME	PRESENT	ABSENT	EXCUSED
Robert C. Clark, chair	✓		
Dan McGee, vice chair	✓		
Diana Wyatt, vice chair	✓		
Chris Ahner	✓		
Shiell Anderson	✓		
Paul Clark	✓		
Aubyn A. Curtiss	✓		
Bill Eggers	✓		
Tom Facey	✓		
Steven Gallus	✓		
Gail Gutsche	✓		
Joan Hurdle	✓		
Rick Jore	✓		
Sam Kitzenberg	✓		
Brad Molnar	✓		
Mark Noenning	✓		
Jim Shockley	✓		
Loren Soft	✓		
Carol Williams	✓		
Cindy Younkin	✓		

3 of 4

MONTANA HOUSE OF REPRESENTATIVES
VISITORS REGISTER

HOUSE JUDICIARY COMMITTEE

DATE 3/4/99

BILL NO. SB 112 SPONSOR(S) Eve Franklin

PROPONENT (P) OPPONENT (O) INFORMATIONAL (I)
(PLEASE IDENTIFY TYPE OF VISITOR)

PLEASE PRINT

TYPE	NAME	ADDRESS	REPRESENTING
P	Steve Runco	Helena	Justice
P	Bill Unger	Missoula	Justice

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

Closing by Sponsor:

Senator Lynch made closing statements.
{Tape : 2; Side : A; Approx. Time Counter : 372 - 408}

EXECUTIVE ACTION ON SB 36

Motion: REP. SHOCKLEY moved that SB 36 BE CONCURRED IN.
Motion/Vote: REP. NOENNIG moved that SB 36 BE AMENDED. Motion failed 10-10. Rep. R. Clark, McGee, Ahner, Anderson, Curtiss, Jore, Molnar, Shockley, Soft, Younkin voting no.
Motion: REP. GALLUS moved that SB 36 BE AMENDED. Motion failed on a voice vote.
Motion/Vote: REP. MCGEE moved that SB 36 BE AMENDED. Motion carried 20-0.
Motion: REP. MCGEE moved that SB 36-AMENDMENT (#3 FROM KEENAN) BE AMENDED. Motion failed on a voice vote.
Motion: REP. YOUNKIN moved that SB 36 BE CONCURRED IN AS AMENDED.
Motion: REP. NOENNIG moved that SB 36 BE AMENDED. Motion carried on a voice vote.
Motion/Vote: REP. YOUNKIN moved that SB 36 BE CONCURRED IN AS AMENDED. Motion failed 10-10 with P. Clark, Eggers, Gallus, Gutsche, Hurdle, Jore, Kitzenberg, Noennig, Williams, and Wyatt voting no.
Motion/Vote: REP. KITZENBERG moved SB 36-TO RECONSIDER. Motion failed 10-10 with Wyatt, P. Clark, Eggers, Facey, Gallus, Gutsche, Hurdle, Jore, Noennig and Williams voting no.
Motion/Vote: REP. MCGEE moved that SB 36 BE TABLED. Motion carried 15-5 with Anderson, Curtiss, Facey, Kitzenberg, and Younkin voting no.
{Tape : 2; Side : A; Approx. Time Counter : 408 - 550}
{Tape : 2; Side : B; Approx. Time Counter : 0 - 550}
{Tape : 3; Side : A; Approx. Time Counter : 0 - 430}

EXECUTIVE ACTION ON SB 112

Motion: REP. YOUNKIN moved that SB 112 BE CONCURRED IN.
Motion: REP. SHOCKLEY moved that SB 112 BE AMENDED.
Motion passes on a voice vote.

EXHIBIT(3)
(This exhibit handed in after meeting; reason why out of order.)

Motion: REP. MCGEE moved that **SB 112 BE CONCURRED IN AS AMENDED.**
Substitute Motion: **REP. ANDERSON** made a substitute motion that **SB 112 BE AMENDED. Motion passes on a voice vote.**
Motion/Vote: REP. ANDERSON moved that **SB 112 BE CONCURRED IN AS AMENDED. Motion carried 19-1 with Jore voting no.**
{Tape : 3; Side : A; Approx. Time Counter : 430 - 550}
{Tape : 3; Side : B; Approx. Time Counter : 0 - 391}

EXECUTIVE ACTION ON SB 63

Motion: REP. AHNER moved that **SB 63 BE CONCURRED IN.**
Motion/Vote: REP. GUTSCHE moved that **SB 63 BE AMENDED. Motion carried 16-4 with Curtiss, McGee, Noennig, and Soft voting no.**
Motion/Vote: REP. AHNER moved that **SB 63 BE AMENDED. Motion carried 14-6 with Clark, Curtiss, Jore, McGee, and Molnar voting no.(am missing the 6th vote no- inaudible on tape and was a voice vote.)**
Motion: REP. MCGEE moved that **SB 63 BE TABLED. Motion failed on a voice vote.**
Motion/Vote: REP. YOUNKIN moved that **SB 63 BE AMENDED. Motion carried 18-2 with R. Clark and McGee voting no.**
Motion/Vote: REP. YOUNKIN moved that **SB 63 BE CONCURRED IN AS AMENDED. Motion carried 15-5 with Curtiss, Hurdle, Jore, McGee, and Molnar voting no.**
{Tape : 3; Side : B; Approx. Time Counter : 391 - 550}
{Tape : 4; Side : A; Approx. Time Counter : 0 - 550}
{Tape : 4; Side : B; Approx. Time Counter : 0 - 117}

EXHIBIT(2)

Meeting adjourned.

EXHIBIT 3
DATE 3/8/49
CB 112

SUSPECT

BUCCAL SWAB COLLECTION KIT

(For DNA Testing)

FROM

OFFICER'S NAME:

AGENCY NAME:

AGENCY'S CASE NO.:

SUBJECT'S NAME:

BIOHAZARD

Exhibit # 3
From
The full exhibit is available from :Montana
Historical Society Archives
225 North Roberts
PO Box 201201
Helena, MT 59602-1201
Phone: (406) 444-4775

From: Tri-Tech Inc
800-438-7884

RE
D/
RE
D/
RI
D/
RI

DATE: TIME: am pm

DELIVER SEALED KIT TO CRIME LABORATORY AS SOON AS POSSIBLE

FOR FORENSIC LABORATORY PERSONNEL ONLY

LABORATORY CASE NUMBER:

HOUSE OF REPRESENTATIVE
ROLL CALL

JUDICIARY COMMITTEE

DATE 3/8/99

NAME	PRESENT	ABSENT	EXCUSED
Robert C. Clark, chair	✓		
Dan McGee, vice chair	✓		
Diana Wyatt, vice chair	✓		
Chris Ahner	✓		
Shiell Anderson	✓		
Paul Clark	✓		
Aubyn A. Curtiss	✓		
Bill Eggers	✓		
Tom Facey	✓		
Steven Gallus	✓		
Gail Gutsche	✓		
Joan Hurdle	✓		
Rick Jore	✓		
Sam Kitzenberg	✓		
Brad Molnar	✓		
Mark Noenning	✓		
Jim Shockley	✓		
Loren Soft	✓		
Carol Williams	✓		
Cindy Younkin	✓		

HOUSE STANDING COMMITTEE REPORT

March 8, 1999

Mr. Speaker:

We, your committee on **Judiciary** report that **Senate Bill 112** (third reading copy -- blue) **be concurred in as amended.**

Signed: Robert C. Bob Clark
Representative Robert C. Clark, Chair

To be carried by Representative Jim Shockley

And, that such amendments read:

1. Page 6, line 27.
Strike: "attorney"
Insert: "sheriff"

2. Page 6, line 29.
Strike: "attorney"
Insert: "sheriff"

3. Page 7,lines 16 and 17.
Strike: "the court" on line 16 through "46-23-502" on line 17
Insert: "an agreement to do so is part of the plea bargain"

- END -

Committee Vote:
Yes 19, No 1.

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3/8 3:25